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SEP 01 2009

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

JAMES J. HATTEN, Clerk
Deputy Clerk

TCB

MARTE E. BERKOWITZ,

Plaintiffs,

vs.

JENNIFER BENNETT,

Defendants.

CIVIL ACTION FILE NO.

NO. ~~1:09-CV-2394~~

Removed from Fulton
County State Court, Civil
Action No. 09-EV-007956J

NOTICE OF REMOVAL

COME NOW the Defendant in the above-styled civil action, and, pursuant to 28 U.S.C. § 1446(a), files her Notice of Removal, showing the Court as follows:

1.

Defendant is the only person who has been named and served in the civil action styled Marte E. Berkowitz v. Jennifer Bennett, filed in the State Court of Fulton County, State of Georgia, Civil Action File No. 09-EV-007956J (the "Civil Action"); Defendant hereby removes this civil action to this Court, on the basis that the Plaintiff has asserted federal law claims under 42 U.S.C. § 1983, providing Defendant with the right of removal.

2.

Copies of all process and pleadings received by this Defendant to date in this

action are attached hereto as Exhibit "A."

3.

This Civil Action may be removed to this Court pursuant to 28 U.S.C. § 1141 *et seq.*

4.

Defendant herein received the complaint in this Civil Action on or about August 3, 2009. Therefore, this Notice of Removal is filed within thirty days of such notice, as required by 28 U.S.C. § 1446(b).

5.

This Court has jurisdiction over this Civil Action pursuant to 28 U.S.C. §§ 1331 and 1343 in that the Plaintiff has asserted claims arising under the Constitution or laws of the United States.

6.

This Notice of Removal is filed in the United States District Court for the District and Division encompassing the county where the Civil Action is pending.

7.

Defendant named and served in this action consents to removal by and through the undersigned counsel.

8.

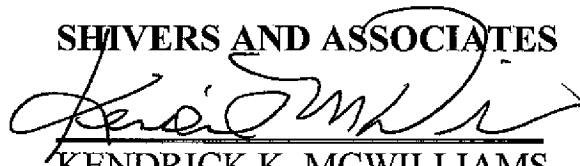
In removing this action Defendant specifically reserve the right to assert and rely upon any and all defenses that she could assert in the State Court of Fulton County, including but not limited to immunities to which Defendant is entitled under state and/or federal law and objections to personal jurisdiction.

WHEREFORE, Defendant respectfully prays that this Civil Action be removed to and proceed in this Court and that no further proceedings be had in the State Court of Fulton County, Georgia.

This 1st day of September, 2009.

Respectfully submitted,

SHIVERS AND ASSOCIATES



KENDRICK K. MCWILLIAMS

Georgia State Bar No. 140983

Attorney for Jennifer Bennett

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NORTHERN DISTRICT OF GEORGIA
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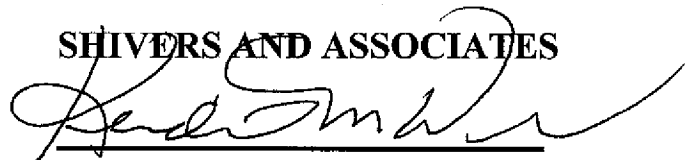
CERTIFICATE OF SERVICE

This will hereby certify that I, the undersigned, have this day served upon all parties the **NOTICE OF REMOVAL** (with exhibit) and **NOTICE OF FILING OF NOTICE OF REMOVAL** by electronic filing through the CM/ECF system in accordance with the United States District Court rules to:

Clifford H. Hardwick, Esq.
Attorney at Law
11205 Alpharetta Highway, Suite E-1
Roswell, Georgia 30076

This 1st day of September, 2009.

SHIVERS AND ASSOCIATES



KENDRICK K. MCWILLIAMS

Georgia State Bar No. 140983

Attorney for Jennifer Bennett